

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

JAVIER LAVAYEN,

Defendant.

No. 14-cr-774 (RJS)  
ORDER

RICHARD J. SULLIVAN, Circuit Judge:

IT IS HEREBY ORDERED THAT Defendant Javier Lavayen shall appear before this Court on Monday, July 20, 2020 at 3:30 p.m. to be presented on the specifications of violations of supervised release alleged by the Probation Office. In light of the ongoing COVID-19 pandemic,

IT IS HEREBY ORDERED THAT by Monday, July 13, 2020, Lavayen and his counsel shall inform the Court in writing whether Lavayen prefers to appear in person or remotely via videoconference. If the latter, defense counsel shall review with Lavayen the attached Waiver of Right to be Present at Criminal Proceeding form, which shall then be executed and submitted to the Court, whereupon the Court will issue further instructions concerning the requested videoconference.

SO ORDERED.

Dated: July 1, 2020  
New York, New York



RICHARD J. SULLIVAN  
UNITED STATES CIRCUIT JUDGE  
Sitting by Designation

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
UNITED STATES OF AMERICA

-v-

**WAIVER OF RIGHT TO BE PRESENT AT  
CRIMINAL PROCEEDING**

JAVIER LAVAYEN,

Defendant.

**14-CR-774 (RJS)**

**Check Proceeding that Applies**

Arraignment

I have been notified of the specifications of violation of the terms of supervised release that have been filed against me and have discussed the specifications with my attorney. I understand that I have a right to appear before a judge in a courtroom in the Southern District of New York to confirm that I have received and reviewed the specifications; to have the specifications read aloud to me if I wish; and to enter a denial or admission of violation before the judge. By signing this document, I wish to advise the court that I willingly give up my right to appear in a courtroom in the Southern District of New York to be informed of these specifications and to enter a denial or admission.

Date:

\_\_\_\_\_  
Signature of Defendant

\_\_\_\_\_  
Print Name

Supervised Release Conference

I understand that I have a right to appear before a judge in a courtroom in the Southern District of New York at the time the conditions of my release on supervision or my remand to custody are discussed. I have discussed these rights with my attorney and wish to give up these rights for the period of time in which access to the courthouse has been restricted on account of the COVID-19 pandemic. I request that my attorney and I be permitted to participate by telephone, or if it is reasonably available by videoconferencing, in any conference with the court at which such conditions or my remand are discussed.

Date:

\_\_\_\_\_  
Signature of Defendant

\_\_\_\_\_  
Print Name

I hereby affirm that I am aware of my obligation to discuss with my client the specifications of violation of supervised release, my client's rights to attend and participate in the criminal proceedings encompassed by this waiver, and this

waiver form. I affirm that my client knowingly and voluntarily consents to the proceedings being held without my client being physically present in court.

Date: \_\_\_\_\_  
Signature of Defense Counsel

\_\_\_\_\_  
Print Name

**Addendum for a defendant who requires services of an interpreter:**

I used the services of an interpreter to discuss these issues with the defendant. The interpreter also translated this document, in its entirety, to the defendant before the defendant signed it. The interpreter's name is:  
\_\_\_\_\_.

Date: \_\_\_\_\_  
Signature of Defense Counsel

Accepted: \_\_\_\_\_  
Signature of Judge  
Date: